



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,576	06/29/2001	Jean-Marc Villaret	10013448-1	7792

7590 09/20/2007
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
----------	--------------

3692

MAIL DATE	DELIVERY MODE
-----------	---------------

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/896,576	Applicant(s) JEAN -MARK VILLARET	
	Examiner Clement B. Graham	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 06/13/07 PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-6, 8-10, and 12-17, remained pending.

Claim Rejections - 35 USC § 112

3 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim1, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claim 1, recites **phrases** [" Server Arrangement"].

This language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Moreover the specification fails to clarify, the meaning of the limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-10, and 12-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsiounis et al (Hereinafter Tsiounis U.S Pub: 20010039535).

As per claim 1, Tsiounis discloses a payment processing system comprising:

a plurality of data communications devices adapted to transmit a plurality of payment requests in connection with purchases, each data communications devices configured to transmit the payment requests via a communication channels of one of a plurality of protocol types, wherein each protocol type is different from others of the plurality of protocol types (i. e, protocols" see paragraphs 0025 and 0008") and each payment request includes a merchant identification code(i. e, merchant id number" see paragraph 0036) and a set of customer financial account data.(see note abstract and see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) a payment server(see paragraph 00080) arrangement including a database configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database the payment server arrangement further including a plurality of adapter modules coupled to the database, each adapter module executable on the server arrangement, compatible with one of the plurality of protocol types see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069), and coupled to a respective one of the communications channels, each having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a the-financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code and receive the payment requests from the data communications devices. see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069)

Tsiounis fail to explicitly teach adapter module adapted respective channels each of the adapter modules.

However adapter module adapted respective channels each of the adapter modules, are old and well known in the art and they are used to link computers in order to perform communication between these computers.

However Applicant's claimed limitation do not indicate direct communication between these computers because they are only adapted to perform communication.

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsiounis to include adapter module adapted respective channels each of the adapter modules because they are only adapted to perform communication.

As per claim 2, Tsiounis discloses the payment processing system of claim 1, wherein at least one of the adapter modules is configured to communicate data with a mobile communications device consistent with an SSUSET communications protocol thereby ensuring a high level of security in communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 3, Tsiounis discloses further comprising a customer financial server responsive to the mobile communications device and communicatively coupled to the payment server, the customer-controlled server configured to transmit the set of customer financial account data at the high level of security sought by the financial institution.(see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 4, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a POS terminal consistent with a POS communications protocol thereby ensuring a high level of securing in communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 5, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a cable network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data.(see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 6, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a satellite network communications protocol thereby ensuring a high level of securing in

communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 8, Tsiounis discloses further comprising a merchant transactions database that includes historical information of payments processed by the payment server arrangement, wherein the historical information is configurable for demographic research.(see note abstract and see paragraph 0007, 0008, 0023-0069).

A per claim 9, Tsiounis discloses wherein the at least one of the adapter modules configured to communicate with a mobile communications device is also configured to communicate data with a vending machine and a kiosk, thereby reducing the number of adapter modules dedicated to the data communications devices. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 10, Tsiounis discloses a payment request processing arrangement configured and arranged for communication with a plurality of data communication devices via and communication with a plurality of data processing systems located at a plurality of financial institutions, each data communication device configured to transmit a payment request via a communication channel of one of a plurality of protocol types. wherein each protocol type is different from others of the plurality of protocol types, the arrangement comprising:

a payment server configured and arranged to be responsive to the plurality of data communications devices and including a database configured with a plurality of merchant identification codes each merchant identification code associated with a financial institution identification code in the database, the payment server further including a plurality of adapter modules coupled to the database, each adapter module executable on the server, compatible with one of the plurality of protocol types, and coupled to a respective one of the communications channels.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) wherein each payment request includes a merchant identification code and a set of customer financial account data.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment

request and interface with a data processing system of a financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069).

Tsiounis fail to explicitly teach adapter module adapted respective channels each of the adapter modules.

However adapter module adapted respective channels each of the adapter modules, are old and well known in the art and they are used to link computers in order to perform communication between these computers.

However Applicant's claimed limitation do not indicate direct communication between these computers because they are only adapted to perform communication.

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsiounis to include adapter module adapted respective channels each of the adapter modules because they are only adapted to perform communication.

As per claim 12, Tsiounis discloses further comprising a merchant transactions database that includes historical information of payments processed by the payment server arrangement, wherein the historical information is configurable for demographic research. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 13, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a cable network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data.(see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 14, Tsiounis discloses a system for processing payment requests from a plurality of data communications devices, each payment request including a merchant identification code and a set of customer financial data, the system comprising:

Art Unit: 3692

a plurality of processor executable adapter modules, each adapter module configured to interface with one or more of the communications devices via a selected one of a plurality of communications channels, wherein each communications channel is one of a plurality of protocol types, and each protocol type is different from others of the plurality of protocol types. (see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) means for receiving payment requests from the data communications devices at the communications channels;

a database coupled to the adapter modules and configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database. (see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) means for identifying from the database for each payment request, the financial institutions code associated with the merchant identification codes from the payment request, each financial institutions code identifying a financial institution having an associated data processing system for processing payment requests; and means for interfacing with the data processing systems of the financial institutions consistent with payment protocols associated with the financial institutions to provide the merchant identification codes and sets of customer financial account data to the identified financial institutions for payment to merchants identified by the merchant identification codes of payment request. (see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069).

Tsiounis fail to explicitly teach a plurality of adapter modules, each adapter module.

However plurality of adapter modules, each adapter module are old and well known in the art and they are used to link computers in order to perform communication between these computers.

However Applicant's claimed limitation do not indicate direct communication between these computers because they are only adapted to perform communication.

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsiounis to include adapter module adapted respective channels each of the adapter modules because they are only adapted to perform communication.

Art Unit: 3692

As per claim 15, Tsiounis discloses a computer-implemented method for processing payment requests from a plurality of data communications devices, each payment request including a merchant identification code and a set of customer financial data, the method comprising:

Providing a plurality of processor executable adapted modules each adapted module configured to interface with one or more of the communications devices via a selected one of a plurality of communications channels, wherein each communications channel is one of a plurality of protocol types, and each protocol type is different from others of the plurality of protocol types.(see note abstract and see paragraph 0007, 0008, 0023-0069) configuring a database coupled to the adapter modules with a plurality of merchant identification codes and financial institution identification codes wherein each merchant identification code is associated with a financial institution identification code in the database receiving payment requests from the data communications devices at the adapter modules via the communications channels. .(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) identifying, using the database for each payment request, the financial institutions code associated with the merchant identification codes, each financial institution identified by a financial institution code having an associated data processing system for processing payment requests.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) and interfacing, for each payment request, with the data processing systems of the identified financial institutions consistent with a payment protocols associated with the identified financial institutions, and providing the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069).

Tsiounis fail to explicitly teach adapter module adapted respective channels each of the adapter modules.

However plurality of adapter modules, each adapter module are old and well known in the art and they are used to link computers in order to perform communication between these computers.

However Applicant's claimed limitation do not indicate direct communication between these computers because they are only adapted to perform communication.

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsiounis to include adapter module adapted respective channels each of the adapter modules because they are only adapted to perform communication.

As per claim 16, Tsiounis discloses after the interfacing step, further comprising: processing payment at the identified financial institutions; and storing the processed payment as data in a merchant transactions database. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 17, Tsiounis discloses wherein the step of identifying the financial institutions includes providing a merchant/bank identification database that includes historical information of processed payments, wherein the historical information is configurable for demographic research. (see note abstract and see paragraph 0007, 0008, 0023-0069).

Conclusion

Response to Arguments

7. Applicant's argument filed 6/13/07 has been fully considered but they are not persuasive for the following reasons.

8. In response to Applicant's arguments that Tsiounis fail to teach or suggest" that the adapter modules are coupled to the database and executable on the server, and each adapter module includes a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and a plurality of adapter modules coupled to the database, each adapter module executable on the server arrangement, compatible" with one of the plurality of protocol types and apparent adapter modules or a database" however the Examiner disagrees with Applicants because these limitations were addressed stated.

Tsiounis discloses a payment processing system a plurality of data communications devices adapted to transmit a plurality of payment requests in connection with

Art Unit: 3692

purchases, each data communications devices configured to transmit the payment requests via a communication channels of one of a plurality of protocol types, wherein each protocol type is different from others of the plurality of protocol types (i. e, protocols" see paragraphs 0025 and 0008") and each payment request includes a merchant identification code(i. e, merchant id number" see paragraph 0036) and a set of customer financial account data.(see note abstract and see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) a payment server(see paragraph 00080) arrangement including a database (see paragraph 0052-0053 and 0077) configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database the payment server arrangement further including a plurality of adapter modules coupled to the database(see paragraph 0052-0053 and 0077) each adapter module executable on the server arrangement, compatible with one of the plurality of protocol types see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069), and coupled to a respective one of the communications channels, each having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a the-financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code and receive the payment requests from the data communications devices. see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069 and see paragraph 0052-0053 and 0077).

Applicant's is further reminded that a server is database.(see paragraph 0052-0053 and 0077).

Therefore it is obviously clear that Applicant's claimed limitations are taught within the teachings of Tsiounis.

Art Unit: 3692

Further adapter module adapted respective channels each of the adapter modules, are old and well known in the art and they are used to link computers in order to perform communication between these computers.

However Applicant's claimed limitation do not indicate direct communication between these computers because they are only adapted to perform communication

9. Applicant's claims 1-6, 8-10, 12, 13-15, 17, states " each data communication device configured to, configured to identify, adapted to receive, database configured , application configured to identify, configured to communicate, server configured to, configured to communicate, information is configurable,"

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

**>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be

Art Unit: 3692

interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous.

Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”).<

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a “lexicographic vacuum, but in the context of the specification and drawings.”). Any special meaning assigned to a term “must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention.” *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

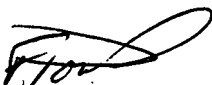
10. Any inquiry concerning this communication or earlier communications should be directed to Clement B Graham whose telephone number is 272-571-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 272-571-6777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Sept 6, 2007



FRANTZY POINVIL
PRIMARY EXAMINER
Au 3692